REMARKS

The Official Action of April 30, 2007, and the prior art relied upon therein have been carefully reviewed. The claims in the application are now claims 13-22, and these claims define patentable subject matter warranting their allowance. Applicants therefore respectfully request favorable reconsideration and allowance.

Acknowledgement by the PTO of the receipt of applicants' papers filed under Section 119 is noted.

Most of the composition claims have now been replaced by a set of method of use claims 16-22. Claim 13 has been better particularized, and new claim 15 specifies that an additional component to the dosage form composition is a particular vitamin or vitamins. These claims are patentable for the reasons pointed out below.

Claims 1-14 have been rejected under the second paragraph of §112. The rejection is respectfully traversed.

The rejection states that the term "derivative" is not clearly defined in the specification, but this is incorrect. Please note paragraph [0010] of applicants' published application, corresponding to the paragraph spanning pages 5 and 6 of the English language version of applicants'

specification as entered into the U.S. National Phase. As "derivative" is clearly defined, the rejection should be withdrawn.

In new claim 16, a "derivative" of the cyclic tetrasaccharide is defined based on the description in the specification in the aforementioned paragraph spanning pages 5 and 6 of the specification.

Withdrawal of the rejection is respectfully requested.

Claims 3 and 14 have been rejected under the second paragraph of §112. The rejection is respectfully traversed.

Claim 3 is no longer pending. Claim 14 has been amended to delete the word "delicious". The term "delicious" does not appear in any of the new claims.

Withdrawal of the rejection is in order and is respectfully requested.

Claim 2 has been rejected under the second paragraph of §112. The rejection is respectfully traversed.

Those skilled in the present art know of substances having a mineral absorption promoting activity, i.e. there are known compounds which are known to have such activity. Therefore, the terminology does not render the claims indefinite. This would be so even if applicants'

specification identified none of such compounds. However, applicants' specification does identify compounds which have such activity, noting the paragraph spanning pages 10 and 11 of applicants' specification.

New claim 15 requires the presence of such a mineral absorption promoting substance. New claim 17 specifies certain such materials, based on original claim 5.

Withdrawal of the rejection is in order and is respectfully requested.

Claim 9 has been rejected under the second paragraph of §112. The rejection is respectfully traversed.

The rejection maintains that a claim setting a lower limit without an upper limit is indefinite, but gives no reasoning or authority in support of such a holding. Applicants maintain that the language is clear, it now appearing in new claim 22 (claim 9 has been deleted without prejudice in favor of the presently pending claims).

As described in the published specification of the present application at paragraph [0032], the accelerator of the present invention contains the cyclic tetrasaccharide and/or saccharide derivatives thereof in a total amount of about 0.1% by weight or more, and "the accelerator can simply contain cyclic tetrasaccharide and/or saccharide derivatives thereof". This means that the accelerator of the present

invention in a broad form can consist of cyclic tetrasaccharide and saccharide derivatives thereof only. Therefore, upper limit of the content of cyclic tetrasaccharide and saccharide derivatives thereof in the accelerator could be as high as 100% in the claimed method.

Withdrawal of the rejection is in order and is respectfully requested.

Claims 1-5 and 9-14 have been provisionally rejected on the basis of obviousness-type double patenting over claims 1-16 of co-pending application 10/551,765. This rejection is respectfully traversed.

Such rejection clearly does not apply to newly submitted method claims 16-22. With respect to claims 13-15, it would not have been obvious from the claims of co-pending application 10/551,765 to provide a dosage form containing an amount sufficient for accelerated mineral absorption of the cyclic tetrasaccharide in question, nor to include a mineral compound, nor to include an amount sufficient for promoting mineral absorption of one or more members selected from substances having a mineral absorption promoting action, considering the intended purpose recited in the claims of the co-pending application.

Withdrawal of the rejection is in order and is respectfully requested.

Claim 1 has also been provisionally rejected on the basis of obviousness-type double patenting over claims 1-3 and 8 of co-pending application 10/495,975. This rejection is respectfully traversed.

Claim 1 has been deleted without prejudice. It should be clear that claims 13-22 would not have been obvious from any of the claims of co-pending application 10/495,975. Withdrawal of the rejection is in order and is respectfully requested.

Claims 1-6 and 8-14 have been rejected as anticipated by Kubota et al WO 0190338 (Kubota) published November 29, 2001, the equivalent U.S. patent being USP 7,192,746. This rejection is respectfully traversed.

It should be clear that the new method claims 16-22 are neither anticipated nor made obvious by Kubota which does not disclose any method for accelerating mineral absorption with the cyclic tetrasaccharide in question and/or a saccharide derivative thereof.

Claims 13-15 call for a composition which is specifically adapted for the claimed utility, which utility is not disclosed in or made obvious by Kubota. As Kubota does not disclose and does not make obvious the dosage form as claimed or the mixture of components which provide such dosage

form, the rejection should be withdrawn. Such is respectfully requested.

Claim 7 has been rejected as obvious under §103 from Kubota. This rejection is respectfully traversed.

Claim 7 has been deleted and replaced with new claim 20 which incorporates the features of claim 17 which in turn incorporates the features of claim 16. It has been pointed out above that such subject matter would not have been obvious from Kubota which does not disclose or make obvious the claimed use. To briefly reiterate, Kubota discloses nothing about any method for accelerating mineral absorption.

As regards the dependent portion of claim 7 (replaced by claim 20), the rejection refers to column 18 of Kubota at lines 45-47 and 63-68 as disclosing flovonoid pigments. Respectfully, applicants do not see any such disclosure in Kubota at column 18.

Withdrawal of the rejection is in order and is respectfully requested.

The prior art documents of record (including the category A documents cited during the International Stage) and not relied upon by the PTO have been noted, along with the implication that such documents are deemed by the PTO to be

insufficiently material to warrant their application against any of applicants' claims.

Applicants believe that all issues raised in the Official Action have been addressed above in a manner that should lead to patentability of the present application. Favorable consideration and early formal allowance are respectfully requested.

Respectfully submitted,

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